

**REMARKS****A. Status of the Claims and Explanation of the Amendments**

Currently, claims 3, 5, 16, 18, 20, 22, 24, 26, and 27 are pending and under examination. All of these claims have been rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over U.S. Patent No. 4,880,553 to Kostusyk ("Kostusyk"), in view of U.S. Patent No. 5,993,644 to Xiao ("Xiao").

Claim 3 has been amended to remove the phrase "with the balance being...". Applicants respectfully submit that the deletion of the phrase clarifies claim 3, because subsequent dependent claims (e.g., claim 5) add other components to the composition, in addition to the alkylated naphthalene. Thus, to avoid any potential confusion, Applicants' claim 3 no longer recites, *inter alia*, "with the balance being an alkylated naphthalene". Moreover, claim 3 has been amended to recite, *inter alia*, "wherein said composition does not contain molecules having a formula  $\text{Ar(R)}\text{-Ar(R)}\text{-[Ar' (R')]}_N\text{-Ar'' ...or Ar(R)}\text{-[Ar'(R')]}_n\text{Ar'' ...}$ , where Ar, Ar' and Ar'' are independently an aromatic containing 1 to 3 aromatic rings for formula (I) and are independently any aromatic moiety for formula (II)." Support for this amendment can be found, for example, in Examples 1-4 of the specification. No new matter has been added by these amendments.

**B. Applicants Amended Claims Are Patentable Over the Cited References**

Applicants respectfully traverse the rejection of claims 3, 5, 16, 18, 20, 22, 24, 26, and 27 for allegedly being unpatentable over Kostusyk, in view of Xiao. Briefly, the combination of references fails to teach, disclose, or suggest all of the claim elements of Applicants' claims. Accordingly the rejection under 35 U.S.C. §103(a) should be withdrawn.

Kostusyk is directed to **mixtures** of compounds that can be used to minimize the pour point of a lubricant. Notably, the mixture does not contain only alkylated naphthalenes, but also compounds which Kostusyk describes as the “novel pour point depressant compounds” having the general formula (I) or the “compounds of the invention” having the general formula (II):



where Ar, Ar' and Ar'' are independently an aromatic containing 1 to 3 aromatic rings for general formula (I) and are independently an aromatic moiety in general formula (II) (see col. 3, lines 19-26 and 59-65). Kostusyk clearly specifies that “[a]ny pour point depressant of the present invention would include a mixture of compounds encompassed by the general structural formula (I) as well as compounds not encompassed by (I) but encompassed by (II)” [col. 4, lines 65-68]. Thus, nowhere does Kostusyk teach, disclose, or suggest a pour point depressant formulation that contains “alkylated naphthalenes” without the so-called “novel” compounds of general formulas (I) or (II).

On the other hand, Applicants' amended claim 3 reads as follows:

3. A composition comprising  
a mixture of 50 weight percent to about 90 weight percent of Group III base oils, and  
an alkylated naphthalene, wherein the naphthalene is alkylated by at least two alkyl chains, wherein each alkylate moiety is a C<sub>6</sub> to C<sub>30</sub> alkyl chain and  
wherein said composition does not contain molecules having a formula  
$$\text{Ar(R)-Ar(R)-[Ar' (R')]_N\text{-Ar''}} \quad (\text{I}), \text{ or}$$
$$\text{Ar(R)-[-Ar'(R')]_n\text{Ar''}} \quad (\text{II}),$$

where Ar, Ar' and Ar'' are independently an aromatic containing 1 to 3 aromatic rings for formula (I) and are independently any aromatic moiety for formula (II).

Thus, because all of Kostusyk's compositions contain oligomeric aromatic compounds having the general formula (I) or (II), Kostusyk fails to teach, disclose or suggest the composition claimed in Applicants' amended claim 3. Applicants do not see how Xiao can alleviate these deficiencies of Kostusyk, because Xiao appears to be directed to the synthesis of Group II or Group III oils only.

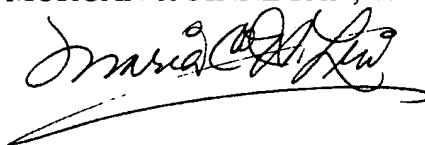
Because the cited references fail to teach, disclose, or suggest all of the claim elements, the rejections of Applicants' claims under 35 U.S.C. §103(a) should be withdrawn. MPEP §2143. Reconsideration and withdrawal of the claim rejections are respectfully requested.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 0444-4083US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 0444-4083US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
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By: \_\_\_\_\_

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